## UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 18 2007

WAY 18 2007

US PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES.

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

...

Ex parte PETER ZATLOUKAL, G. ERIC ENGSTROM, PAUL R. NASH and DAVID L. PIKE

\_\_\_\_\_

Application 10/000,170

\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

\_\_\_\_

This application was electronically received at the Board of Patent Appeals and Interferences on March 19, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellants filed a "RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF" on November 22, 2006. However, there is no indication that the Examiner considered the Appeal Brief filed November 22, 2006.

Application 10/000,170

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner:

- 1) for consideration and proper response of the Appeal Brief filed November 22, 2006; and,
  - 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

By: Patrick I NOLAN

Deputy Chief Appeals Administrator

(571) 272-9797

PJN/gjh

SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204